

Remarks/Arguments

The amendments set forth herein are provided solely to clarify the invention as filed and set forth in the pending claims in order to comply with applicable statutes and regulations. The amendments are not intended to limit the invention or preclude the application of equivalents which Applicant may be entitled to under law.

Status of the Application

Claims 1-20 were objected under 35 USC 102(e) as being anticipated by Wong (2004/0264464). Reexamination and reconsideration of the claims and arguments is respectfully requested.

Priority dates used for the 35 USC 102(e) rejections:

Applicant respectfully notes that whereas the present application was filed on October 17, 2003, the Wong '464 application used in the 35 USC 102(e) rejection was not filed until March 16, 2004, almost five months after the present application. Wong '464 claimed the priority benefit of two provisional applications, 60/482,759 filed June 27, 2003; and 60/527,822 filed December 9, 2003. Since the later 60/527,822 provisional application was also filed after the October 17, 2003 date of the present application, only the earlier Wong provisional application, 60/482,759 may properly be used in a 35 USC 102(e) citation against the present application.

However use of the 60/482,752 provisional as prior art against the present application is problematic. This disclosure consists primarily of a series of drawings. The 60/482,752 provisional application contains little written annotation. As a result, few if any of examiner's cited references can actually be identified in the 60/482,752 provisional.

Applicant respectfully submits that if the use of an ambiguous drawing submitted prior to a priority date, combined with explanatory written material submitted after a priority date, is used for priority without carefully examining what the original drawing teaches

by itself, then this practice could potentially lead to confusion and priority abuse. For example, an applicant so inclined could submit a diagram composed of numbered boxes and arrows at a first earlier date, and submit annotation for these numbered boxes and arrows at a second later date, and then improperly claim the first earlier date as priority, even though the first disclosure would have been meaningless without the annotation and comments provided by the second later disclosure.

Accordingly, if examiner wishes to maintain a specific 35 USC 102(e) rejection under Wong '464 in the next office action, applicant respectfully requests that examiner specifically show where the cited prior art can actually be found in the Wong 60/482,752 provisional, which is the only element of Wong '464 that predates the priority of the present application.

35 USC 102(e) rejections:

The rejection of claims 1-20 under 35 USC 102(e) in view of Wong '464 is respectfully traversed in part and overcome in part.

Applicant respectfully traverses the 35 USC 102(e) rejections of claims 1-20 in view of Wong '464 on the basis that the elements of Wong cited by examiner have a priority date after the October 17, 2003 date of the present application.

Nonetheless, to improve clarity and precision, applicant has amended claims by adding additional limitations. Some of these new limitations, such as the use of hashing as an index to a table (now incorporated in independent claims 1 and 11), would overcome any 35 USC 102(e) rejection based on the June 27, 2003 Wong 60/482,752 provisional application. This is because the Wong's original 60/482,752 provisional application does not disclose using hashing as an index to any type of table. All uses of the term "hashing" only appear in Wong's later work, filed after the priority date of the present application.

Thus applicant respectfully overcomes the 35 USC 102(e) rejection of claims 1-19 on the basis that applicant has amended independent claims 1 and 11 to contain hashing limitations not taught by Wong provisional application 60/482,752. Dependent claims 2-10 and 13-19 thus inherit this limitation. Claims 12 and 20 have been canceled because they are now redundant, and the new claims also incorporate this hashing limitation. Thus all claims presently pending in the application contain these hashing limitations.

Applicant additionally notes that the present claims also differ from Wong '464 in many other areas as well, but since the later priority date of Wong '464 makes most of these other areas irrelevant, to keep this response to a manageable length, these will not be discussed further at this time.

Claim amendments:

Claim 1: Claim 1 has been amended to teach with more specificity that the packet duplication system is for multicast packets, that the packets contain at least multicast address data, and that the descriptors on the linked-list table that control the packet duplication are found by using the a hashing function on the address data as an index for this linked-list table. Support for these amendments can be found in specification figure 2, specification paragraphs [0008], [0020], [0027] and original claim 12.

Claim 11: Claim 11 has also been amended to teach with more specificity that the packet duplication system is for multicast packets, that the packets contain at least multicast address data, and that the descriptors on the linked-list table that control the packet duplication are found by using the a hashing function on the address data as an index for this linked-list table. Additionally, it has been amended to more specifically teach what the pointers are doing. Support for these amendments can be found in specification figure 2, specification paragraphs [0008], [0020], [0027] and original claim 12.

Claims 12 and 20 have been canceled as being redundant.

New Claims:

New claim 21 finds support in original claims 1, 2, 3, 5, 6, and 12, and finds further support in specification figure 2, and specification paragraphs [0008], [0020], [0027].

New claim 22 finds support in original claims 3, 13, 16, 17, and 18, and finds further support in specification figure 2, and specification paragraphs [0008], [0020], [0027].

New claim 23 finds support in specification paragraph [0020].

New claim 24 finds support in specification figure 2, and specification paragraphs [0008], [0020], [0027].


New claim 25 is a combination of claims 21, 22, and 24 (previously discussed), and finds support in original claims 1, 2, 3, 5, 6, 12, 13, 16, 17, and 18, and finds further support in specification figure 2, and specification paragraphs [0008], [0020], [0027].

New methods claim 26 finds support in original claims 11, 12, 14, and finds further support in specification figure 2, and specification paragraphs [0008], [0020], [0027].

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application; the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

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